



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,032	07/16/2003	John E. Saare	03226/509001; SUN030082	2251
33615	7590	05/28/2009		
OSHA LIANG L.L.P./SUN TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010			EXAMINER JAKOVAC, RYAN J	
			ART UNIT 2445	PAPER NUMBER
			NOTIFICATION DATE 05/28/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com

lord@oshaliang.com

hathaway@oshaliang.com

Office Action Summary

Application No.

10/622,032

Applicant(s)

SAARE ET AL.

Examiner

RYAN J. JAKOVAC

Art Unit

2445

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11, 13-21 and 23-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11, 13-21, 23-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed 10/30/2008 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 11 is rejected under 35 U.S.C. 101; these claims cites a method but fails to (1) positively recite the statutory class to which they are tied to, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. The method is directed towards selecting modules and requesting and responding between servers and application modules, however, this/these element(s) is/are interpreted as being embodied in software or a program per se and thus do not belong to any statutory class. See Applicant's specification paragraph [0027] which discloses that "it is appreciated that throughout the present invention, discussions utilizing terms such as "determining," "sending," "requesting," "selecting," "responding," "providing," "displaying," "launching," "modifying," "editing" or the like, refer to the action and processes of a computer system..."

4. Claim 1 is rejected under 35 U.S.C. 101. Claim 1 is directed toward a portal server, applications, a network framework, and application helper modules. These elements are considered to be software or a program per se, which is not one of the categories of statutory subject matter.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5, 10-15, 20-25, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 2003/084165 to Kjellberg et al (hereinafter Kjellberg).

Regarding claims 1, 11, and 21, Kjellberg teaches a system and method comprising: a portal server for displaying a user customizable page comprising information and a plurality of function links for invoking application functions (Kjellberg, fig. 1, provisioning server (portal server) provides applications to client devices. Paragraph [0028], client accesses the server

through HTML. Paragraph [0029], application menu is specific to the type of client device. See also paragraph [0006].);

a plurality of applications, wherein each application performs at least one of the application functions (Kjellberg, paragraphs [0006], [0025-0031], multiple applications, applications are mapped to functions);

a network framework for identifying a device accessing said portal server (Kjellberg, Paragraph [0029], application menu is specific to the type of client device.); and identifying a particular application helper module of a plurality of application helper modules based on a device type of a plurality of device types, wherein said device is of said device type (Kjellberg, [0025-0030], implementations of the requested application specific to the requesting device type are provisioned by corresponding modules. See also fig. 1.); and

said plurality of application helper modules associated with a plurality of implementations of an application for said plurality of device types, wherein display capabilities of said plurality of device types are heterogeneous amongst said plurality of device types (Kjellberg, [0025], the client devices include PDAs, workstations and desktop computers, mobile phones and laptop.), and wherein each of said plurality of implementations of said application have a corresponding device type of said plurality of device types (Kjellberg, [0029-0030], an implementation of an application is selected and packaged according to the corresponding device type. "The deployment manager 270 packages the selected object or application in a format suitable for the device type 100, based on client device type information provided by the session manger"), and wherein each of said plurality of implementations of said application comprises a user interface formatted for display particular to said display capabilities of said corresponding

device type (Kjellberg, [0029], a menu (i.e. user interface) is formatted specifically for the corresponding device type. "The session manager 210 uses the user profiles database 240, device profiles database 230 and descriptor database 250 to construct the application menu. Therefore, the application menu is capable of being specific to the type of client device 100 and the user profile preferences."),

wherein each application helper module is associated with a particular implementation of plurality of implementations of said application (Kjellberg, [0025], versions of the requested application (i.e. implementations of an application) specific to the requesting device type are provisioned by corresponding modules. See fig. 1 and paragraphs [0028-0030].) and is configured to:

obtain a function link of said plurality of function links, wherein said function link is for said particular implementation of said application, and provide said function link to said portal server for display in said user customizable page (Kjellberg, [0029-0030], An application menu is constructed that is specific to the client device. A URL is presented for use in downloading a selected object or application. See also, [0006].), and,

wherein said portal server accesses said particular implementation of said application using said function link to provide content from said particular implementation of said application for display on a web page on said device (Kjellberg, [0029-0030], application menu is constructed that is specific to the client device. deployment manager constructs URL, which is used by the provisioning server in the deployment of services. Paragraph [0028], client accesses the server through HTML. Paragraphs [0004-0006], [0030-0031], content is displayed on the user device.).

Regarding claims 2, 12, and 22, Kjellberg teaches the system and method as described in claims 1, 11, and 21 wherein said particular application helper module is selected based on predetermined user interface capabilities of said device (Kjellberg, paragraph [0028], Channels are used to carry HTML to web browsers, WML to WAP browsers, and SMS to SMS applications within mobile phones. Paragraph [0029], Application menus are presented based on device type.).

Regarding claims 3, 13, and 23, Kjellberg teaches the system as described in claims 2, 12, and 22 wherein further said function requested by said portal server is to launch said particular application (Kjellberg, paragraph [0030], The requested application is fetched from the application server and provided to the client device.)

Regarding claims 4, 14, and 24 Kjellberg teaches the system as described in claims 2, 12, and 22 wherein further said function requested by said portal server is to display information contained in a database record of said application (Kjellberg, paragraph [0029], application menus are presented from the user profiles database based on device type.).

Regarding claims 5, 15, and 25 Kjellberg teaches the system and method as described in claims 2, 12, and 22 said function requested by said portal server is to modify preferences associated with said particular application (Kjellberg, paragraph [0029], users specify preferences which are maintained in the user profiles database.).

Regarding claims 10, 20, and 30 Kjellberg teaches the system and method as described in claims 1, 11, and 21 wherein said application helper module is associated with a class of devices having substantially similar user interface capabilities (Kjellberg, Fig. 1, Client devices including PDAs, desktop computers, mobile phones and laptops.).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7-9, 17-19, 27-29, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kjellberg in view of U.S. 2003/0120784 to Johnson et al (hereinafter Johnson).

Regarding claims 7, 17, and 27 Kjellberg teaches the system and method as described in claims 2, 12, and 22. Kjellberg does not expressly disclose wherein said application is an electronic mail application. However, Johnson discloses wherein said particular application is an electronic mail application (Johnson, paragraph [0023], Typical personal data management

applications include email applications, contacts applications, schedule or calendar applications, and file access applications.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein said particular application is an electronic mail application as taught by Johnson with the system and method of Kjellberg in order to provide the functionality of typical personal data management applications to the user device (Johnson, paragraph [0023]).

Regarding claims 8, 18, and 28 Kjellberg teaches the system and method as described in claims 2, 12, and 22. Kjellberg does not expressly disclose wherein said application is an electronic calendar application. However, Johnson discloses wherein said particular application is an electronic calendar application (Johnson, paragraph [0023], Typical personal data management applications include email applications, contacts applications, schedule or calendar applications, and file access applications.).

Regarding claim 9, 19, and 29 Kjellberg teaches a system and method as described in claims 2, 12, and 22. Kjellberg does not expressly disclose wherein said application is an electronic address book application. However, Johnson discloses wherein said particular application is an electronic address book application (Johnson, paragraph [0023], Typical personal data management applications include email applications, contacts applications, schedule or calendar applications, and file access applications.).

Regarding claims 31-33, Kjellberg teaches the system of claim 1. Johnson discloses wherein said particular implementation of said application is designated to said corresponding device type by a user of said device receiving said user customizable page (Johnson, [0021-0023], device type and application type are selected by the user through a menu.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein said particular implementation of said application is designated to said corresponding device type by a user of said device receiving said user customizable page as taught by Johnson with the teachings of Kjellberg in order to provide a user remote access of personal data stored on personal devices (Johnson, [0008-0011], see also, fig. 3.).

9. Claims 6, 16, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kjellberg in view of U.S. 2003/0022657 to Herschberg et al (hereinafter Herschberg).

Regarding claims 6, 16, and 26, Kjellberg teaches a system and method as described in claims 5, 15, and 25. Herschberg discloses wherein said link provided by said particular application helper module is null provided said particular application helper module restricts preference modification of said particular application (Herschberg, paragraph [0116], Status information displayed to the user is designated as disabled based on status modification (i.e. restriction of preference modification).), based on said device type (Herschberg, [0098-0099], application downloads are restricted by device type.).

Herschberg discloses restricting access to applications based on preference modification and returning an appropriate message to the accessing device (Herschberg, [0116, 0174, 0185].).

Kjellberg discloses an applications menu and a link to the application, it would have been obvious to one of ordinary skill in the art at the time of invention to return a null result, or an obvious variation of a null result, such as an error message, when a device accesses a restricted application, as disclosed by Herschberg. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein said link provided by said particular application helper module is null provided said particular application helper module restricts preference modification of said particular application as taught by Herschberg with the system and method of Kjellberg in order to modify or restrict access rights for a user (Herschberg, paragraph [0116]).

Response to Arguments

10. Applicant's arguments filed 10/30/2008 have been fully considered but they are not persuasive.
11. Regarding claims 1-5, 10-15, 20-25, and 30, Applicant argues that Kjellberg fails to disclose multiple implementations of an application, in which each implementation has a corresponding device type and has a user interface that is formatted for display particular to the display capabilities of the corresponding device type. However, the examiner respectfully disagrees. Kjellberg discloses in paragraphs [0029-0030], that an implementation of an application is selected and packaged according to the corresponding device type. From Kjellberg: "The deployment manager 270 packages the selected object or application in a format suitable for the device type 100, based on client device type information provided by the session manger." Regarding the argument that Kjellberg does not disclose a user interface that is

formatted for display particular to the display capabilities of the corresponding device type, Kjellberg discloses in at least paragraph [0029] that a menu (i.e. user interface) is formatted specifically for the corresponding device type. "The session manager 210 uses the user profiles database 240, device profiles database 230 and descriptor database 250 to construct the application menu. Therefore, the application menu is capable of being specific to the type of client device 100 and the user profile preferences."

12. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RJ/

/Larry D Donaghue/

Primary Examiner, Art Unit 2454